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Subject: Drainage and related issues

I learned from the BDAC Meeting Summary of May 29, 1996, that a comprehensive program for dealing with the San Joaquin Valley drainage issues and the needs of the large and small farms is being promoted by TBI (?) and the Environmental Water Caucus (EWC). The program should include a variety of land management strategies and that the EWC would not support a program solely on land retirement.

There has been over \$200 million spent to date on research and development activities aimed at developing strategies for handling agricultural drainage while at the same time continuing to farm seleniferous soils of the San Joaquin Valley's westside. Reports will fill a 5 foot shelf. The Grassland Drainers and other upslope farmers have not completed their water conservation plans. In fact only 4 out of about 13 districts have approved plans. The big question is - Are the individual farmers implementing the various BMPs? The effect of implementing those plans toward improving water quality of the downslope lands, habitats, and surface and groundwater in the long term, is unknown. However for the short term, the BMPs, all the innovative tools and local actions have not really worked. What is known is that there has not been any real serious decrease of the selenium entering the surface and groundwater of the region. When all the findings are in for this year, I am confident that the selenium loading of Salt and Mud Sloughs and the San Joaquin River will be at or near record amounts as farmers purge their soils of salts before the Bypass study is initiated and the clock starts ticking. And where the salt goes so goes the selenium.

One key reason for the failure to meet selenium reductions levels is that land retirement was not made an integral part of the BMPs and the land management tool box. A lot of the Drainers don't like the idea of taking land out of irrigation because of third party impacts. There are public

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trust resources, uses and values along with impacts to third party interests that have gone on for at least 13 years. Few people seem to be really worried about those who have been impacted.

Why the EWC does not want an aggressive land retirement program is unknown to me but should be explained.

The whole idea is when mixing land management, waters and farming practices together, is don't cause or make a mess out of this mixture. If one makes causes or makes a mess, he or she is responsible for cleaning it up. So if one doesn't make or cause a mess in the first place one doesn't have a mess to clean up and can pocket the profits of his or her actions.

Mr. Delamore apparently gave an informative overview of the drainage problem along with a San Luis Drain update. I suggest that CALFED folks read my complaint of Nov. 14, 1995 to the State Water Resources Control Board regarding the public trust, unreasonable use of water and nuisance relative to the continued irrigation of seleniferous soils on the westside of the San Joaquin Valley. Also read the Bureau's response of March 27, 1996 and my response to those comments dated June 5, 1996 should be read. The information in my complaint and support material provides considerable justification for a major and aggressive program for retiring seleniferous soils from further irrigation. Yes there will be some third party impacts in the short term as the land retirement proceeds. However the impacts to public trust resources, uses and values and to third party interests will be far greater if the drainage situation is allowed to continue as it has for the past 13 years. By not irrigating the seleniferous soils would also be major water saving. The water not applied to such soils could be shared among urban, agricultural and environmental uses.

I believe that the Drainers sitting on the Regional Board have a conflict of interest. They, either through their own actions or through political influence over others, have been able to avoid being prosecuted for violating environmental and nuisance laws and for unreasonable use of water.

To date I don't see CALFED changing that situation. In fact I see the issue being dragged out to placate political folks.

It is about time that the Attorney General is notified about the violations of the law and the failure of regulators to do their job of protecting the public trust. The Attorney General has the ability to undertake his own action so he can enforce the various laws to protect the public trust and to abate a public nuisance.